

### **REMARKS**

Applicants respectfully request reconsideration of this application in view of the foregoing amendment and following remarks.

#### **Status of the Claims**

Claims 1-31 are pending in this application. Claims 1 and 15 are independent. All of the pending claims stand rejected. By this amendment, claims 1, 7, 15 and 21 are amended. Claims 2-6, 8-14, 16-20 and 22-29 are cancelled without prejudice or disclaimer. New claims 32 and 33 are added. No new matter has been amended by this amendment.

#### **Objection**

It is indicated in the Final Office Action that the term "...the light amount information..." in claims 1 and 15 has no prior mentioning.

In response, claims 1 and 15 have been amended by deleting the term "the light amount information" in the claims.

Applicants respectfully request that this objection be withdrawn.

#### **Rejection under 35 U.S.C. §102**

Claims 1-31 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,808,681 to Kitajima ("Kitajima").

In the *Response to Arguments* section, the Final Office Action indicates that Kitajima teaches calculating a color temperature as in claim 1 of the present invention. The Final Office Action describes, *inter alia*, that "Kitajima teaches that during image capture, color temperature information data for when the strobe light arrives and when the strobe light does not arrive is sensed by the color measuring sensor and input into the CPU 12. The CPU 12 calculates the

color temperature value needed to correct the gain ... **Column 5, Lines 21-63 and Column 6, Lines 14-63.**" (page 2 of the Final Office Action, emphasis in the original)

Claims 2-6, 8-14, 16-20 and 22-29 have been cancelled thereby rendering the rejections directed to these claims moot.

Independent claims 1 and 15 are amended for further clarification. In particular, amended claim 1 recites, *inter alia*, "wherein the first image is sensed by the image sensor in a period between the image sensing designation and the emission of the flash light." Claim 15 has been amended in a similar manner to claim 1 as shown above. Support for the amendment may be found throughout the specification as originally filed including steps S122 through S129 as shown in Figs. 3 and 7 along with relevant portions of the specification.

According to the present invention as featured in amended claims 1 and 15, when the image sensing designation is instructed by the user, the latest image (e.g., the first image obtained for the purpose of electrical view finder) is stored before flash light is emitted. Then, the second image sensed by using the flash light is stored. Thereafter, the color temperature of light illuminated an object of the second image, the light being the composition of external light and flash light, is calculated based on the first and second images. In this manner, since the correct color temperature of the light illuminated the object in the second image can be obtained, a proper white balance processing becomes possible.

Kitajima discloses performing two image sensing operation with and without strobe. In Kitajima, in response to turn-on operation of the first release switch (RL1) 11a, the AWB control value (1) without strobe light is obtained. Then, in response to turn-on operation of the second release switch (RL2) 11b, an image is sensed using the strobe, thereafter, another image is sensed without using the strobe. The effects (ratio a/b) of the strobe light is then calculated for each

pixel, and the AWB control value is selected from values ranging from between the AWB control value (1) to the AWB control value (2) in accordance with the ratio (Fig. 2 and column 6, lines 7-63).

Kitajima, however, fails to show or suggest the inventive aspects of claims 1 and 15 as amended. For example, Kitajima does not store an image after the first release switch (RL1) 11a is turned on before the emission of the strobe, does not calculate color temperature of the image sensed using the strobe, and does not even introduce the color temperature as required by the present invention of claims 1 and 15. Further, Kitajima does not perform AWB based on the color temperature of the image sensed using the strobe.

Accordingly, each of claims 1 and 15 as amended is believed neither anticipated by nor rendered obvious in view of Kitajima for at least the reasons discussed above.

Reconsideration and withdrawal of the rejections of claims 1 and 15 under 35 U.S.C. §102(b) is respectfully requested.

Applicant has not individually addressed the rejections of all of the dependent claims because Applicant submits that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicant however reserves the right to address such rejections of the dependent claims should such be necessary.

New claims 32 and 33 have been added to recite the claimed invention in an alternative manner. Specifically, each of new claims 32 and 33 depends from claims 1 and 15, respectively, is accordingly believed allowable for at least the similar reasons to claims 1 and 15 discussed above.

Applicant believes that the application as amended including the new claim is in condition for allowance and such action is respectfully requested.

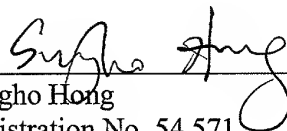
**AUTHORIZATION**

No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-5115). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
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